

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	McDonald
Carney	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Vick
Jones	

Nays—4

Hardeman	Taylor
Martin	Tynan

Absent

Weinert

Absent—Excused

Moore

Recess

Senator Cousins moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

The motion prevailed by the following vote:

Yeas—18

Ashley	Hudson
Bracewell	Kelly of Tarrant
Bullock	Lock
Carney	Moffett
Colson	Morris
Cousins	Phillips
Hardeman	Shofner
Harris	Tynan
Hazlewood	Vick

Nays—10

Aikin	Lane
Bell	Martin
Corbin	Proffer
Jones	Strauss
Kelley of Hidalgo	Taylor

Absent

McDonald	Weinert
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Absent—Excused

Moore

The Senate accordingly at 4:55 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTY-SIXTH DAY

(Continued)

(Thursday, June 16, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Bell submitted the following reports:

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 588, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

BELL, Chairman.

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 597, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

BELL, Chairman.

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 536, have had the same under consideration, and I am instructed to report it back to the Sen-

ate with the recommendation that it do pass and be printed.

BELL, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 931, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 469, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 412, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 777, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 103, have had the same under consideration, and I am in-

structed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 114, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 132, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Messages from the Governor

The following message, received from the Governor today, was laid before the Senate, read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
June 14, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the State Board of Health for six year terms to expire June 12, 1955:

Dr. L. S. Oates of Center, Shelby County; Dr. O. B. Kiel of Wichita Falls, Wichita County; J. P. Burden of San Angelo, Tom Green County.

To be Members of the State Board of Pharmacy for six year terms to expire June 14, 1955:

Paul D. Carroll of Texarkana, Bowie County; Lee T. Stinson of Snyder, Scurry County.

To be Members of the State Board of Embalming for six year terms to expire May 31, 1955:

Clyde Branon of Lamesa, Dawson County; Gilbert Koenig of La Grange, Fayette County.

To be Members of the State Board of Plumbing Examiners for six year terms to expire May 28, 1955:

Frank White of Sweetwater, Nolan County; O. R. Walker of Lubbock, Lubbock County.

To be a Member of the Board of Trustees, State Employees' Retirement System for six year term to expire June 10, 1955:

Joe Fletcher of Austin, Travis County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
June 15, 1949.

To the Members of the 51st Legislature:

We have all been cognizant of the need for a comprehensive examination of the tax policy of this State, in respect to its efficient administration, to the adequacy of the funds so raised, and to the just and equitable distribution of tax levies.

Our present taxes are a hodgepodge. Many taxes are imposed which yield little revenue but which are costly to collect and burdensome on the public.

There is a growing demand on the part of the public for expanded services of the State.

County and municipal governments are faced with perplexing problems in financing their activities.

Reasonable and equitable integration of Federal, State and local taxes should be planned cooperatively by the several levels of government.

Some months ago the Governor named a Tax Study Commission, consisting of State officials and staff members of State agencies to review this entire field and make a factual report on the basis of which the Legislature might consider appropriate action. The personnel of that Commission is as follows: Dr. Stuart MacCorkle, Director, Bureau of Municipal Research, the University of Texas; Robert S. Calvert, State Comptroller; Hall H. Logan, Chairman, State Board of Control; Jesse James, State Treasurer; L. P. Gabbard, A. & M. College of Texas; Bullock Hyder, North Texas State College; Dr. E. T. Miller, the University of Texas; Dr. Reginald

Rushing, Texas Technological College.

The Commission has been working diligently and will have a comprehensive report ready by the latter part of the summer.

It seems desirable that a Committee be established to review the findings of this Commission and make recommendations for the consideration of the Legislature.

Therefore, under the authority of Section 5 of Article III of the Constitution, I submit as a subject for emergency legislation the creation of a Committee to study the entire matter of State and local taxation and report thereon to the Legislature of the State of Texas.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Report of Conference Committee on House Bill 339

Senator Vick submitted the following report:

Austin, Texas,
June 15, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 339, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

VICK
ASHLEY
HUDSON
KELLEY of Hidalgo
PHILLIPS

On the part of the Senate.

AYNESWORTH
CANNON
JOHNSON
GODARD
ISSACKS

On the part of the House.

H. B. No. 339, A bill to be entitled "An Act fixing the salaries of certain officials in certain counties; repealing all laws in conflict herewith; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. In all counties in this State having a population of more than ninety thousand (90,000) persons according to the last preceding Federal Census, and not more than one hundred forty-five thousand (145,000) population according to such Federal Census and with a taxable valuation for county purposes of not less than Eighty-five Million Dollars (\$85,000,000) according to the tax rolls as prepared by the tax assessor-collector of the respective counties for the year 1948, the county judge, county clerk, sheriff, tax assessor-collector, district clerk, the criminal district attorney or the county attorney performing the duties of a district attorney and the county attorney shall receive an annual salary of Six Thousand, Five Hundred Dollars (\$6,500) payable in equal monthly installments. The salary of such officers from the effective date of this Act, for the remainder of the year 1949, shall be paid on the same ratio basis as the remainder of the year bears to the total annual salary provided herein.

Section 2. In all counties in this State having a population of not less than one hundred forty-five thousand (145,000) and not more than two hundred fifty thousand (250,000) inhabitants according to the last preceding Federal Census, and with a taxable valuation for county purposes of not less than Eighty-five Million Dollars (\$85,000,000) according to the tax rolls as prepared by the tax assessor-collector of the respective counties for the year 1948, the county attorney of such counties shall receive an annual salary of Seven Thousand, Four Hundred Dollars (\$7,400) payable in equal monthly installments from the Officers' Salary Fund in such counties.

Section 3. All such salaries shall be paid in twelve (12) equal installments per year and paid from funds now provided by law for payment of such officials.

Section 4. If any part, section, sub-section, paragraph, sentence, clause, phrase, or word contained in this Act shall be held by the Courts to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares that it would have enacted, and does here now enact such remaining portions despite any such invalidity.

Section 5. This Act is not intended and shall not be considered or construed as repealing any laws or law now on the statute book except those in conflict herewith, and to the extent of the conflict only, but in other respects shall be construed as being cumulative law.

Section 6. The fact that the high cost of living has greatly impaired the purchasing power of the dollar and the fact that the assessors and collectors of taxes in the larger counties should have larger salaries in view of such conditions create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—1

Lane

Absent

Cousins	Morris
Hazlewood	

Senate Bill 496 on First Reading

By unanimous consent, the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Carney:

S. B. No. 496, A bill to be entitled "An Act repealing Senate Bill No. 278, Acts of the 51st Legislature, relating to the use of certain seines and nets on the waters of Caddo Lake and its tributaries in Harrison

and Marion Counties; and declaring an emergency."

To the Committee on Game and Fish.

Senate Resolution 207

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the students from the Metz School of Austin, Texas, accompanied by their teacher, Mrs. N. Graham, and

Weheras, These students and guests are on an educational tour of the Capitol Building; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the conference committee report on S. B. No. 70 by a vote of 82 yeas, 21 nays.

H. C. R. No. 141, Suspending the joint rules so as to allow the House to consider H. B. No. 976 on Thursday, June 16, 1949.

H. C. R. No. 137, Requesting the Congress of the United States to take prompt action to compel curtailment of foreign oil imports.

H. C. R. No. 140, Recalling House Bill No. 971 from the Senate for further consideration.

H. C. R. No. 143, Suspending the joint rules allowing the House to consider House Bill No. 975.

S. B. No. 36, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, as amended by Acts of the 41st Legislature, Regular Session, 1929, Chapter 43, page 89, paragraph 1, relating

to the selection of jurors for service in the District and County Courts; and declaring an emergency."

(With amendment)

S. C. R. No. 73, Suspending the joint rules to permit the House to consider H. J. R. No. 43 on Wednesday, June 15, 1949 or Thursday, June 16, 1949.

S. C. R. No. 72, Relative to effective date of Senate Bill No. 93, etc.

The House has concurred in Senate amendments to House Bill No. 420, by vote of 109 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 69 by viva voce vote.

H. C. R. No. 142, Granting each House permission to adjourn from Thursday, June 16, 1949, until Monday, June 20, 1949.

The House has adopted the conference committee report on House Bill No. 339 by a vote of 113 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 71 by vote of 110 yeas, 4 nays.

The House has concurred in Senate amendments to House Bill No. 654 by vote of 103 yeas, 0 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 37 with House Amendments

The Senate resumed consideration of unfinished business, same being a motion by Senator Proffer to concur in the House amendments to Senate Bill No. 37.

Question—Shall the motion to concur prevail?

Senator Morris moved that the Senate do not concur in the House amendments to the bill and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

Senator Proffer moved to table the motion by Senator Morris.

Yeas and nays were demanded.

The motion to table was lost by

the following vote:

Yeas—14

Aikin	McDonald
Bracewell	Moffett
Corbin	Moore
Kelley of Hidalgo	Phillips
Lane	Proffer
Lock	Shofner
Martin	Taylor

Nays—17

Ashley	Hudson
Bell	Jones
Bullock	Kelly of Tarrant
Carney	Morris
Colson	Strauss
Cousins	Tynan
Hardeman	Vick
Harris	Weinert
Hazlewood	

Question—Shall the motion by Senator Morris prevail?

On motion of Senator Cousins, and by unanimous consent, further consideration of the bill and the House amendments to the bill was postponed until Monday, June 20, 1949.

House Concurrent Resolution 142

The President laid before the Senate for consideration at this time:

H. C. R. No. 142, Granting each House permission to adjourn from Thursday, June 16, 1949, until Monday, June 20, 1949.

The resolution was read and was adopted.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Carney submitted the following report:

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 496, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Senator Tynan submitted the following report:

Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 558, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Chairman.

House Concurrent Resolution 141

The President laid before the Senate for consideration at this time:

H. C. R. No. 141, Suspending the Joint Rules to permit the House to consider H. B. No. 976 on Thursday, June 16, 1949.

The resolution was read and was adopted.

House Concurrent Resolution 129

The President laid before the Senate for consideration at this time:

H. C. R. No. 129, Relative to reduction in certain House appropriation bills.

The resolution was read.

Senator Taylor offered the following amendment to the resolution:

Amend H. C. R. No. 129, Section 1, by striking out the following words: "unless the Governor" and substituting the following: "if at this session the Legislature".

TAYLOR
ASHLEY

The amendment was adopted.

Senator Shofner offered the following amendment to the resolution:

Amend H. C. R. No. 129 by striking out Section 4, and providing instead "That there shall not be appropriated more than \$5,000,000.00 for soil conservation".

Senator Ashley offered the following substitute for the amendment:

Amend H. C. R. No. 129 by striking out paragraph four (4) and substituting therefor the following:

4. Deduct all of the appropriation made by H. B. No. 97, which is the so-called Soil Conservation Bill.

Question first recurring on the substitute, it was lost by the following vote:

Yeas—7

Ashley	Cousins
Bracewell	Taylor
Bullock	Tynan
Carney	

Nays—24

Aikin	Lock
Bell	Martin
Colson	McDonald
Corbin	Moffett
Hardeman	Moore
Harris	Morris
Hazlewood	Phillips
Hudson	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Vick
Lane	Weinert

Question next recurring on the amendment by Senator Shofner, it was adopted.

Senator Lock offered the following amendment to the resolution:

Amend H. C. R. No. 129 by inserting after the word "Deduct" in paragraph 3, the following: "provisions for buildings, if the Legislature at this session recommends a reasonable plan to finance same and".

The amendment was adopted.

The resolution as amended was adopted by the following vote:

Yeas—25

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Phillips
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelly of Tarrant	Weinert
Lane	

Nays—6

Ashley	Kelley of Hidalgo
Corbin	Moore
Hazlewood	Proffer

Senate Concurrent Resolution 65

The President laid before the Senate for consideration at this time:

S. C. R. No. 65, Providing for adjournment sine die on Tuesday, June 21, 1949.

The resolution was read.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. No. 65 by striking out the figures "21" and inserting in lieu thereof the figures "28".

**HARDEMAN
CARNEY**

The amendment was adopted.

The resolution as amended was adopted by the following vote:

Yeas—24

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lock
Bullock	Martin
Carney	Moffett
Colson	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Weinert

Nays—6

Bracewell	McDonald
Corbin	Moore
Lane	Vick

Absent

Shofner

Report of Conference Committee on Senate Bill 70

Senator Tynan submitted the following report:

**Austin, Texas,
June 13, 1949.**

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on Senate Bill No. 70, beg leave to report that we have considered the same and recommend that it do pass in the form and text here-

to attached.

Respectfully submitted,
 TYNAN
 HARRIS
 KELLY of Tarrant
 BRACEWELL

On the part of the Senate.

ZIVLEY
 THOMAS
 MOORE
 KING
 BERGMAN

On the part of the House.

S. B. No. 70, A bill to be entitled "An Act amending Article 1583-2 of the Penal Code of Texas, as enacted by the Acts of the 50th Legislature, Chapter 143, Senate Bill No. 36; providing for compensation for firemen and policemen in certain cities; and providing a penalty for city officials violating the provisions of this Act; providing that this Act shall not apply to certain cities without an election being first held; providing for such elections; providing for a special election to regulate hours of duty; providing for classification of firemen and policemen according to duties performed; repealing all laws in conflict herewith; providing a severability and savings clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 1583-2 of the Penal Code of Texas, as enacted by the Acts of the 50th Legislature, Chapter 143, Senate Bill No. 36, be and the same is hereby amended to read as follows:

"Article 1583-2.

"Section 1. It is hereby provided that in any city of this State of not less than one hundred seventy-five thousand (175,000) inhabitants according to the last preceding Federal Census, or any succeeding Federal Census, each member of the Fire Department and of the Police Department shall receive and be paid the sum of not less than Two Hundred Twenty (\$220.00) Dollars per month, and the additional sum of Ten (\$10.00) Dollars per month for each five (5) years of service in such Police or Fire Department up to and including twenty-five (25) years of service in such Department, as a minimum wage for the services so rendered.

"It is provided further, that in all cities in this State with inhabitants

thereof between ten thousand (10,000) and one hundred seventy-five thousand (175,000) according to the last preceding Federal Census, each member of the Fire Department and of the Police Department shall receive and be paid the following sums per month according to the population of each such city of ten thousand (10,000) or more and up to forty thousand and one (40,001), such salary shall be One Hundred Sixty-five (\$165.00) Dollars per month minimum; in all such cities with inhabitants of forty thousand and one (40,001) to one hundred thousand and one (100,001) inhabitants, such minimum salaries shall be One Hundred Ninety-five (\$195.00) Dollars per month; and in all such cities from one hundred thousand and one (100,001) to one hundred seventy-five thousand (175,000) inhabitants, such minimum salaries shall be Two Hundred Ten (\$210.00) Dollars per month; and in all such cities the additional sum of Ten (\$10.00) Dollars per month for each five (5) years of service in such Fire or Police Department up to and including (15) years of service in such Department as a minimum wage for the services so rendered; with the further provision that in all cities with ten thousand (10,000) or more inhabitants and up to forty thousand and one (40,001) inhabitants shall only receive the additional sum of Five (\$5.00) Dollars per month for each five (5) years of service in such Fire or Police Department up to and including fifteen (15) years of service in such Department, as a minimum wage for the services so rendered; provided, however, that the provisions of this Act shall not apply to the cities of ten thousand (10,000) or more inhabitants and up to forty thousand and one (40,001) inhabitants, unless at an election which shall be called upon a petition signed by qualified voters in said city in number not less than ten (10%) per cent of the total number voting in the last preceding city election; provided, however, that said petition must be presented within sixty (60) days from the effective date of this Act; and provided further, that subject to the foregoing provisions, the election shall be had within ninety (90) days from the effective date of this Act, to be held in accordance with the State laws and the city charter, at which the adoption or rejection of this Act shall be submitted at such election.

If at said election, a majority of the people voting shall favor the adoption of the provisions of the Act, it shall thereafter become the duty of said governing body to put into effect the provisions of this Act. In the event a majority of the voters in any such election reject the adoption of this Act, then such matter shall not be re-submitted to the electors for a period of one (1) year; and thereafter, the same may be re-submitted upon a petition signed by qualified voters in said city in number not less than five (5%) per cent of the total number voting in the last preceding city election, upon the filing of which the city governing body shall again re-submit the question of the adoption or rejection of this Act. Provided, in cities having a population of not less than ten thousand (10,000) inhabitants, nor more than forty thousand (40,000) inhabitants according to the last preceding Federal Census, which are governed by the provisions of this Act, the governing body of such city may call an election and submit to the qualified voters of such city whether it shall be unlawful to require or permit any member of the Fire Department to work or be on duty more than seventy-two (72) hours in any one calendar week and no more than one hundred forty-four (144) hours in any two (2) calendar weeks in the discharge of his duties.

"Section 1-a. The provisions of this Act shall not apply to those cities which are paying on the effective date hereof salaries in excess of the minimums provided for herein so long as such cities continue to pay the minimum salaries designated in Section 1 hereof.

"Section 2. Any city official, or officials, who have charge of the Fire Department or Police Department, or who are responsible for the fixing of the wages herein provided in any such city, who violate any provisions of this Act, shall be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars; and each day on which such city official, or officials, shall cause or permit any violation of this Act shall constitute and be a separate offense.

"Section 3. Provided further, that all municipal governments affected by this Act shall, within thirty (30) days following enactment, set up classifications in Police and Fire Departments providing for duties under such classifications and specifying salary for

each classification; and thereafter any member of any Fire and Police Department who is called upon to perform the duties under any such classification shall be paid the salary provided therefor for such period as he performs such duties."

Sec. 2. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict, but no further; and nothing herein shall be construed in any manner to amend, modify, or repeal any provision of the statutes of this State relating to the hours of work of firemen and policemen, or any provision of any law other than as to the minimum salaries to be paid firemen and policemen as hereinabove provided in the cities within the provisions of this Act.

Sec. 3. If any section, sub-section, or clause of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of any of the remaining portions of this Act or the laws to which it relates; and it is hereby declared that this Act would nevertheless have been passed without such section, sub-section, or clause so declared unconstitutional or invalid.

Sec. 4. The fact that the minimum salary wage scale now provided by law as the basis of compensating firemen and policemen of cities containing a population of not less than ten thousand (10,000) inhabitants according to the last preceding Federal Census has not been increased in keeping with the rising costs of living; and the further fact that the commission of crime is now more prevalent and hazards to property have greatly increased, resulting in those public servants charged with preserving the peace and protecting property being submitted to many additional hardships in connection with the performance of their duties, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and adopted by the following vote:

Yeas—23

Aikin
Ashley

Bell
Bracewell

Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Weinert
McDonald	

Nays—6

Hudson	Lock
Kelley of Hidalgo	Martin
Lane	Vick

Absent

Hardeman	Shofner
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Report of Conference Committee on House Joint Resolution 7

Senator Proffer submitted the following report:

Austin, Texas,
June 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Hon. Allan Shivers, President of the Senate.

Sirs: We, your Committee, appointed to adjust the differences between the House and the Senate on H. J. R. No. 7, beg leave to report that we have considered the same and recommend that it do pass in the form, attached hereto.

GRAHAM
RUST
ZIVLEY
OLTORF
WILLIS of Kaufman

On the part of the House.

HUDSON
COUSINS
HAZLEWOOD
PROFFER

On the part of the Senate.

H. J. R. No. 7, Proposing an amendment to the Constitution of the State of Texas amending Article III, Section 51a, providing that the Legislature shall have the power to provide assistance to and provide for the payment of same to residents of the State of Texas who are needy aged persons over the age of sixty-five (65) years, needy blind persons over the age of sixteen (16) years, and needy children under the age of sixteen (16) years; removing the Thirty-five Million Dollars (\$35,000,000) limita-

tion upon expenditures for such purposes; providing a maximum payment of Twenty-five Dollars (\$25) per month from State Funds for old age assistance; providing for a lien on all real property including the homestead, of all applicants for, or recipients of, old age assistance; providing for debts incurred as a result of last illness and burial; prohibiting payment of assistance after disposition of real property under certain conditions; providing for the release of said lien under certain conditions and the subordination thereof to certain improvement liens; providing that funds recovered by enforcement of said lien shall be expended only for assistance to needy persons; providing for the acceptance of financial aid from the Government of the United States for such assistance; providing that the payment of such assistance from State Funds shall never exceed the payments from Federal Funds; providing for the necessary election, form of ballot, proclamation, and publication.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 51a of Article III of the Constitution of the State of Texas be amended, and the same is hereby amended so that the same shall hereafter read as follows:

"Section 51a. The Legislature shall have the power, by general laws to provide, subject to limitations and restrictions herein contained, and such other limitations, restrictions, and regulations as may by the Legislature be deemed expedient for assistance to, and for the payment of assistance to:

"(1) Needy aged persons who are over the age of sixty-five (65) years; provided that no such assistance shall be paid to any inmate of any State-supported institution, while such inmate; and provided that any resident of the State, if otherwise eligible, may not be excluded who has resided in the State for five (5) years during the nine (9) years immediately preceding the filing of the application for such assistance including the one (1) year continuously immediately preceding the filing of such application; provided that the maximum payment per month from State Funds shall not be more than Twenty-five Dollars (\$25) per month.

"Provided, that as security for re-

imbursement to the State of all sums paid to needy aged persons, there is hereby established and created a lien which shall attach and exist upon all real property of every kind and character, including the homestead, owned by persons receiving such assistance after January 1, 1950, and said lien shall not be subject to the provisions of Article 16, Section 50. The Legislature shall pass such laws as may be necessary governing the enforcement of said lien, but same shall never be foreclosed or enforced except upon sale of property upon which the lien exists, or upon the death of the recipient of assistance and spouse; provided, that if any child of the recipient or spouse survives and such child is eligible for assistance under this Section, or would become eligible therefor by reason of the enforcement of said lien, or is for any reason not capable of self-support, then said lien shall not be enforced during the lifetime of any such child. The amount of recovery by the State shall be limited, however, to the actual amount of assistance paid to such person and spouse, subsequent to January 1, 1950, and funds recovered by the State shall never be appropriated or used for any purpose except for the assistance of needy persons as authorized by this Section. A notice of the existence of said lien shall be recorded in the county or counties where such property may be situated on forms to be prepared by the State agency or department charged with the administration of assistance payments, or as may be otherwise provided by law. Provided, further, that a recipient may exchange the property upon which the State has a lien for other like property and the lien shall attach and be fixed on the newly-acquired property; however, if the newly-acquired property is of lesser value, then the State may demand satisfaction of its lien out of the proceeds from the sale of the first property. Said lien shall be released by the State only upon reimbursement of the total amount of assistance paid to the owner of the property and spouse, or, in instances where the amount due the State exceeds the value of the property upon which the lien exists, and the State agency, department or official charged with the administration of assistance payments finds that recovery has been had in an amount equal to the recovery which could be

had through foreclosure of the lien. Such releases shall be evidenced by certificates issued by the Comptroller of Public Accounts, and shall be recorded by the County Clerks of the various counties without cost to the State. Foreclosure of said lien and sale of the property thereunder shall operate as an extinguishment of the debt due the State, irrespective of the amount of recovery. The State agency, department or official charged with the administration of assistance payments shall have authority to subordinate the lien of the State to subsequent improvement liens if it be determined by such agency, department or official that contemplated improvements or repairs to the property are necessary. Such subordination shall be on forms prepared by such agency, department or official, and shall be recorded by the various County Clerks without cost to the State; provided further that the lien of the State described above shall be subject to any claims for funeral expenses and expenses of last sickness for a reasonable amount to be approved by the County Judge, not to exceed a total of One Thousand (\$1,000.00) Dollars per recipient of assistance.

"Any applicant for, or recipient of, assistance who shall dispose of any real property after June 1, 1949, and any person who initially applies for assistance after June 1, 1954, who has disposed of any real property within five (5) years prior to the date of application, shall be ineligible to receive assistance; provided, that if such property was disposed of by bona fide sale and conveyance, and for value commensurate with the actual market value thereof, such disposition shall not affect eligibility for assistance if it be shown that all proceeds from such sale have been used by such person and spouse for normal living expenses, or for the purchase of other real property of like value and upon which a lien attaches in favor of the State. If any recipient of assistance shall sell any real property upon which said lien exists, neither such recipient nor spouse shall thereafter receive assistance until all net proceeds of said sale have been expended for normal living expenses; and in case of disposition of such property by gift or for an amount less than its actual market value, such person and spouse shall not thereafter receive assistance until

the expiration of the period of time during which the net proceeds of said sale would have paid their normal living expenses had the actual market value been realized therefrom.

"(2) Needy blind persons who are bona fide citizens of the United States and who are over the age of sixteen (16) years; provided that no such assistance shall be paid to any inmate of any State-supported institution, while such inmate; and provided that any resident of the State, if otherwise eligible, may not be excluded who has resided in the State for five (5) years during the nine (9) years immediately preceding the filing of the application for such assistance including the one (1) year continuously immediately preceding the filing of such application.

"(3) Needy children who are bona fide citizens of the United States and who are under the age of sixteen (16) years; provided that no such assistance shall be paid on account of any child over one (1) year old who has not continuously resided in Texas for one (1) year immediately preceding the application for such assistance, or on account of any child under the age of one (1) year whose mother has not continuously resided in Texas for one (1) year immediately preceding the birth of such child.

"The Legislature shall have the authority to accept from the Federal Government of the United States such financial aid for the assistance of the needy aged, needy blind, and needy children as such Government may offer not inconsistent with restrictions herein set forth; provided, however, that the amount of such assistance out of State Funds to each person assisted shall never exceed the amount so expended out of Federal Funds.

"Should the Legislature enact enabling laws and provide an additional appropriation hereto in anticipation of the adoption of this amendment, such Acts shall not be invalid by reason of their anticipatory character.

"Sec. 2. The foregoing Constitutional Amendment shall be submitted to the qualified electors of Texas at a special election to be held throughout the State of Texas on the 24th day of September, 1949, at which election there shall be printed on such ballot the following clause:

"FOR the amendment to the Con-

stitution giving the Legislature power to set up a system of payments of assistance to needy persons over sixty-five (65) years of age; to needy blind persons over the age of sixteen (16) years; to needy children under sixteen (16) years of age; removing the Thirty-five Million Dollars (\$35,000,000) limitation upon amount of State expenditures for such purposes; creating a lien on all real property, including the homestead, of persons receiving old age assistance after January 1, 1950; disqualifying persons who dispose of real property under certain conditions; providing for the release of said lien under certain conditions and the subordination thereof to certain improvement liens; and certain debts incurred as result of last sickness and burial; providing that funds recovered under such lien shall be expended only for assistance to needy persons; providing a maximum payment of Twenty-five Dollars (\$25) per month from State Funds for old age assistance; providing for the acceptance and expenditure of funds from the Federal Government; providing that expenditures from State Funds shall not exceed the expenditure from Federal Funds with respect to any individual; and providing conditions as to residence within the State in order to be eligible to receive assistance.

"'AGAINST the amendment to the Constitution giving the Legislature power to set up a system of payments of assistance to needy persons over sixty-five (65) years of age; to needy blind persons over the age of sixteen (16) years; to needy children under sixteen (16) years of age; removing the Thirty-five Million Dollars (\$35,000,000) limitation upon amount of State expenditures for such purposes; creating a lien on all real property, including the homestead, of persons receiving old age assistance after January 1, 1950; disqualifying persons who dispose of real property under certain conditions; providing for the release of said lien under certain conditions and the subordination thereof to certain improvement liens; and certain debts incurred as result of last sickness and burial; providing that funds recovered under such lien shall be expended only for assistance to needy persons; providing a maximum payment of Twenty-five Dollars (\$25) per month from State Funds for old age assistance; providing for the acceptance and expenditure of funds

from the Federal Government; providing that expenditures from State Funds shall not exceed the expenditure from Federal Funds with respect to any individual; and providing conditions as to residence within the State in order to be eligible to receive assistance.'

"Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have the same published and held as required by the Constitution and Laws of the State of Texas."

The report was read and was adopted by the following vote:

Yeas—21

Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Morris
Cousins	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Tynan
Kelly of Tarrant	

Nays—3

Aikin	Weinert
Taylor	

Present—Not Voting

Corbin	Moore
Hardeman	Phillips
Harris	Vick
Kelley of Hidalgo	

House Concurrent Resolution 140

The President laid before the Senate for consideration at this time:

H. C. R. No. 140, Recalling H. B. No. 971 from the Senate for further consideration.

The resolution was read and was adopted.

Senate Bill 36 with House Amendments

Senator McDonald called S. B. No. 36 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate and the House amendments were read.

Senator McDonald moved that the

Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—27

Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Nays—2

Aikin	Lock
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Absent

Cousins	Hardeman
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Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. B. No. 192, A bill to be entitled "An Act to amend the Statutes of the State of Texas relating to the regulation of County Mutual Insurance Companies by amending Sections 1, 5, 9, 10, 15, and 16 of Senate Bill No. 121 enacted by the 45th Legislature at its Regular Session in 1937 as thereafter amended, and Section 2a of Section 1 of House Bill No. 155 enacted by the 50th Legislature at its Regular Session in 1947; and declaring an emergency."

S. B. No. 32, A bill to be entitled "An Act to amend Article 836, Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 41, A bill to be entitled "An Act amending Article 4725, as amended, and declaring an emergency."

H. J. R. No. 22, Proposing an amendment to Article V, Section 7 of the Constitution of the State of Texas to provide that the Judge of the District Court shall conduct its proceedings at the county seat of the county in which the case is pending,

except as otherwise provided by law; providing for election proclamation and submission to qualified electors of the State and making an appropriation.

C. S. H. J. R. No. 32, Proposing an amendment to Article I of the Constitution of the State of Texas, by adding thereto another section following Section 15, providing that the right to jury trial in lunacy cases shall be the same as in ordinary civil cases, and further providing for waiver of a jury trial; further providing for the submission of this amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof; and providing for the necessary appropriation to defray the necessary expenses for the submission of this amendment.

H. C. R. No. 139, To permit the House to consider H. B. No. 973 on Wednesday, June 15, or Thursday, June 16, 1949.

Adjournment

On motion of Senator Hardeman, the Senate at 1:10 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, June 20, 1949.

Record of Votes

Senators Phillips, Kelly of Tarrant, and Corbin asked to be recorded as voting "nay" on the motion to adjourn.

FIFTY-SEVENTH DAY

(Monday, June 20, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Colson	Martin
Corbin	McDonald
Cousins	Moffett
Hardeman	Moore
Harris	Morris
Hazlewood	Phillips
Hudson	Proffer

Shofner
Strauss
Taylor

Tynan
Vick
Weinert

Absent—Excused

Carney

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 16, 1949, was dispensed with and the Journal approved.

Leave of Absence Granted

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Morris.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 359. The following have been appointed on the part of the House:

Kilgore, Vale, Kazen, Daniel, Murray.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 230. The following have been appointed on the part of the House:

Cheatham, Slimp, Shell, Wood of Smith, Pattison.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 338. The following have been appointed on the part of the House:

Craig, Caven, Storey, Isaacks, Senterfitt.

S. B. No. 387, A bill to be entitled "An Act to create the State Budget Board; prescribing its powers, duties, and functions; making an appropriation; and declaring an emergency."

(With amendments)